

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66

CARYN DEVINS STRICKLAND,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, et al.,)	
)	
<u>Defendants.</u>)	

**RESPONSE IN OPPOSITION TO PLAINTIFF’S MOTION TO STRIKE
DEFENDANTS’ MOTION *IN LIMINE* TO EXCLUDE PLAINTIFF’S “ME TOO”
EVIDENCE**

On November 9, 2023, Defendants filed a Motion *in Limine* to Exclude Plaintiff’s “Me Too” Evidence, ECF No. 330, arguing that Plaintiff’s evidence of Employment Dispute Resolution claims brought by individuals other than her is irrelevant and amounts to hearsay. *See generally* Defs.’ Mot. *in Limine* to Exclude Pl.’s “Me Too” Evid., ECF No. 330. At the November 16, 2023 further final pretrial conference, the Court denied Defendants’ motion. Nonetheless, Plaintiff filed a subsequent brief in opposition to that motion and a fourteen-page brief styled as a “motion to strike,” claiming that Defendants’ motion *in limine* was untimely. Pl.’s Mot. to Strike Defs.’ Mot. *in Limine* to Exclude Pl.’s “Me Too” Evid., ECF No. 343.

Because the Court already denied Defendants’ motion *in limine*, Plaintiff’s motion to strike is moot. *Chafin v. Chafin*, 568 U.S. 165, 172 (2013) (noting that mootness occurs “when the issues presented are no longer live” (quotation marks and citation omitted)). And even if Plaintiff’s motion to strike was not moot, it would nevertheless fail because Defendants’ motion was timely. *See* Defs.’ Reply in Supp. of their Mot. *in Limine* to Exclude Pl.’s Me Too Evid., ECF No. 351, at 2-3 (explaining

that Defendants' motion was filed in accordance with the Court's instructions). As such, the Court should deny Plaintiff's motion.

Dated: December 8, 2023

Respectfully submitted,

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